

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TRACEY E. GEORGE, ELLEN WRIGHT )  
CLAYTON, DEBORAH WEBSTER-CLAIR, )  
KENNETH T. WHALUM Jr., MERYL RICE, )  
JAN LIFF, TERESA M. HALLORAN, and )  
MARY HOWARD HAYES, )

Plaintiffs, )

v. )

Case No. 3:14-2182

WILLIAM EDWARD "BILL" HASLAM, as )  
Governor the State of Tennessee, in his )  
official capacity; et al. )

Defendants. )

---

**APPENDIX A**

---

TENNESSEE CONSTITUTION

ARTICLE XI, SECTION 3

(2014)

**Sec. 3. Amendments to Constitution.** — Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays thereon, and referred to the general assembly then next to be chosen; and shall be published six months previous to the time of making such choice; and if in the general assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people at the next general election in which a Governor is to be chosen. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Governor, voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions the same shall at each of said sessions be read three times on three several days in each house.

The Legislature shall have the right by law to submit to the people, at any general election, the question of calling a convention to alter, reform, or abolish this Constitution, or to alter, reform or abolish any specified part or parts of it; and when, upon such submission, a majority of all the voters voting upon the proposal submitted shall approve the proposal to call a convention, the delegates to such convention shall be chosen at the next general election and the convention shall assemble for the consideration of such proposals as shall have received a favorable vote in said election, in such mode and manner as shall be prescribed. No change in, or amendment to, this Constitution proposed by such convention shall become effective, unless within the limitations of the call of the convention, and unless approved and ratified by a majority of the qualified voters voting separately on such change or amendment at an election to be held in such manner and on such date as may be fixed by the convention. No such convention shall be held oftener than once in six years. [As amended: Adopted in Convention May 27, 1953, Approved at general election November 3, 1953, Proclaimed by Governor November 19, 1953.]

**Compiler's Notes.** Prior to the 1953 amendment this section reads:

"Any amendment or amendments to this Constitution may be proposed in the senate or house of representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays thereon, and referred to the general assembly then next to be chosen; and shall be published six months previous to the time of making such choice; and if in the general assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amend-

ments to the people, in such manner and at such time as the general assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the state voting for representatives, voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions the same shall at each of the said sessions be read three times on three several days in each House. The legislature shall not propose amendments to the Constitution oftener than once in six years. The legislature shall have the right, at any time by law, to submit to the people the question of calling a convention to alter, reform or abolish this Constitution, and

TENNESSEE CONSTITUTION

ARTICLE XI, SECTION 3

(1834)

V. The citizens who may be included in any new county, shall vote with the county or counties from which they may have been stricken off, for members of Congress, for Governor and for members of the General Assembly, until the next apportionment of members to the General Assembly after the establishment of such new county.

#### ARTICLE XI.

I. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use, until they shall expire, be altered or repealed by the Legislature.

II. Nothing contained in this Constitution, shall impair the validity of any debts or contracts, or effect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

III. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen: and shall be published for six months previous to the time of making such choice. And if in the General Assembly next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time, as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments, by a majority of all the citizens of the State, voting for Representatives, voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall at each of the said sessions be read three times on three several days in each House. The Legislature shall not propose amendments to the Constitution, oftener than once in six years.

IV. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law: *provided*, that such laws be general and uniform in their operation throughout the State.

V. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

VI. The Legislature shall fix the rate of interest — and the rate so established shall be equal and uniform throughout the State.

VII. The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefits of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunities, or exemptions, other than such as may be, by the same law, extended to any member of the community, who may be able to bring himself within the provisions of such law: *provided* always, the Legislature shall have power to

grant such charters of good.

VIII. The Legislature of justice, with regard to

IX. A well regulated system the resources of the State citizens; therefore it ought

X. Knowledge, learning republican institutions, of education throughout conducive to the promotion of science. And the fund proceeds thereof, divided whatever, heretofore by the State for the use of education appropriated, shall remain be diminished by legislative inviolably appropriated throughout the State, and law shall be made authorized any other use than the same shall be the duty of the Commissioners, for such the general superintending condition of the same, for restrictions as may be required a division of the public lands the sales of such lands, and such lands, or money, for education and internal improvement.

XI. The above provisions from carrying into effect colleges, universities or academies receive and enjoy escheated time to time may be prescribed

XII. The Declaration of Constitution of this State whatever. And to guard delegated, we declare ever out of the general power

I. That no inconvenience declared, that all officers



ounty, shall vote with the  
ricken off, for members of  
eral Assembly, until the  
al Assembly after the

use in this State, not  
force and use, until they  
e.

mpair the validity of any  
any suits, actions, rights

stitution may be proposed  
same shall be agreed to  
of the two Houses, such  
d on their journals, with  
al Assembly then next to  
ous to the time of making  
osen as aforesaid, such  
to by two-thirds of all the  
he duty of the General  
endments to the people,  
sssembly shall prescribe.  
ment or amendments, by  
representatives, voting in  
ll become part of this  
to the Constitution shall  
the same shall at each of  
days in each House. The  
nstitution, oftener than

ant divorces, but may  
uses as may be specified  
iform in their operation

orize lotteries for any  
ery tickets in this State.  
st — and the rate so  
e State.

l any general law for the  
law for the benefits of  
and; nor to pass any law  
ivileges, immunities, or  
e law, extended to any  
ing himself within the  
ure shall have power to

grant such charters of corporation as they may deem expedient for the public good.

VIII. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be deemed expedient.

IX. A well regulated system of internal improvement is calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly.

X. Knowledge, learning, and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end; it shall be the duty of the General Assembly in all future periods of this government, to cherish literature and science. And the fund called the *common school fund*, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a *perpetual fund*, the principal of which shall never be diminished by legislative appropriation, and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of common schools; and it shall be the duty of the General Assembly, to appoint a Board of Commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of the same, from time to time, under such rules, regulations and restrictions as may be required by law; *provided*, that if at any time hereafter a division of the public lands of the United States, or of the money arising from the sales of such lands, shall be made among the individual States, the part of such lands, or money, coming to this State, shall be devoted to the purposes of education and internal improvements; and shall never be applied to any other purpose.

XI. The above provisions shall not be construed to prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities or academies, or from authorizing heirs or distributees to receive and enjoy escheated property, under such rules and regulations as from time to time may be prescribed by law.

XII. The Declaration of Rights hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretence whatever. And to guard against transgression of the high powers we have delegated, we declare every thing in the Bill of Rights contained, is excepted out of the general powers of government, and shall forever remain inviolate.

### Schedule.

I. That no inconvenience may arise from a change of the Constitution, it is declared, that all officers, civil and military, shall continue to hold their offices;